



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8ENF-RC

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Robert F. Stewart  
United States Department of the Interior  
Office of the Secretary  
Office of Environmental Policy and Compliance  
P.O. Box 25007 (D-108)  
Denver, CO 80225-0007

Re: Notices Pursuant to Sections 104(b) and  
122(j) of the Comprehensive Environmental  
Response, Compensation, and Liability Act  
Regarding the Upper Animas Mining District Site,  
San Juan County, Colorado

Dear Mr. Stewart,

As required under Section 104(b)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(B)(2), this letter provides notification that releases of hazardous substances at and from the Upper Animas Mining District Site in San Juan County, Colorado (Site) may have affected natural resources under the trusteeship of the U.S. Department of the Interior. The U.S. Environmental Protection Agency (EPA), U.S. Bureau of Reclamation, and the State of Colorado are currently scoping and conducting remedial studies, and wish to coordinate our assessments, evaluations, investigations, and planning with your agency in accordance with Section 300.430(b)(7) of the National Contingency Plan.

In addition, the EPA hereby notifies the U.S. Department of the Interior, as a Federal Natural Resource Trustee, in accordance with Section 122(j) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9622(j), of pending settlement negotiations with a potentially responsible party concerning conducting portions of the remedial investigation for the Site. No specific dates or timetable for settlement negotiations have been set, but the EPA will keep you apprised when negotiations are scheduled and we encourage your participation in our negotiations.

Please advise us regarding your interest in and/or concerns regarding this Site. For instance, any information and studies you think should be considered in designing and selecting

a remedy which is fully protective of human health and the environment, whether you intend to actively participate in negotiations, or any conditions you would want included in a settlement document. If you do not participate in settlement, we will retain language in any settlement agreement that reserves the rights of the Federal, State, and Tribal Trustees to bring a future potential action for natural resource damages.

If you have any technical questions, please contact either Paula Schmitt diel , Remedial Project Manager, at 303-3126861, or Elizabeth Fagan, Remedial Project Manager, at 303-312-6095. For any other questions the most knowledgeable person on my staff regarding this matter is Richard Sisk, Attorney, at 303-312-6638.

Sincerely,

Kelcey Land  
Director  
Technical Enforcement Program  
Office of Enforcement, Compliance and  
Environmental Justice

cc: Andrea Madigan, 8ENF-RC  
Richard L. Sisk, 8ENF-L  
Mike Rudy, 8ENF-RC  
Paula Schmitt diel, 8EPR-SR  
Elizabeth Fagan, 8EPR-SR  
Ann Umphres, USDOJ

